

**Commonwealth of Massachusetts  
Executive Office of Health and Human Services**

**NOTICE OF PUBLIC HEARING**

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a public hearing will be held remotely on Friday, December 18, 2020, at 12:00 p.m. relative to the emergency adoption of:

**101 CMR 204.00: Rates of Payment to Resident Care Facilities**

Pursuant to M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish, by regulation, rates to be paid by governmental units to providers of residential care facility services (rest homes). In accordance with this requirement, amendments to the regulation at 101 CMR 204.00 incorporate rest home rates that are facility-specific rates that include variable and fixed components, subject to ceilings. Specifically, amendments update the base year to 2018, cap variable costs at the 85<sup>th</sup> percentile and apply at 4.89% cost adjustment factor (CAF) to such cap, reduce the occupancy standard to 90%, continue the public payer days adjustment, incorporate an annualization adjustment for the month of December 2020 to account for the period between October 1, 2020, and November 30, 2020, and incorporate an adjustment effective April 1, 2021, for residents receiving MassHealth-covered group adult foster care.

EOHHS is promulgating this regulation by emergency process in accordance with M.G.L. Chapter 30A, Section 2, because delay caused by observance of the requirements of notice and a public hearing prior to the effectiveness of the regulation would be contrary to the public interest. This regulation is being filed on an emergency basis to ensure that rest homes remain adequately funded for the current rate year.

The proposed regulation contains rates effective for dates of service on or after December 1, 2020. There is no fiscal impact on cities and towns.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify EOHHS of their intention to testify at the hearing by registering online at [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). Individuals may also submit written testimony by emailing [ehs-regulations@state.ma.us](mailto:ehs-regulations@state.ma.us). Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Friday, December 18, 2020.

**Due to the coronavirus emergency, EOHHS may need to hold this public hearing remotely** on the date and time specified above, and will post that announcement on its website at [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). In that situation, to join the remote hearing online, go to <https://statema.webex.com>, and enter meeting ID 644 151 469. To join the remote hearing by phone, call (866) 692-3580, and enter meeting ID 644 151 469# when prompted. As an alternative to attending the remote hearing, you can view an unofficial live written recording of the hearing in progress provided by



the Communication Access Realtime Transcription (CART) service at <https://hricart.1capapp.com/event/eohhs>.

All persons desiring to review the current draft of the proposed actions may go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. To view or download related supporting materials, go to [www.mass.gov/service-details/proposed-regulations-supporting-materials](http://www.mass.gov/service-details/proposed-regulations-supporting-materials).

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@state.ma.us](mailto:ADAAccommodations@state.ma.us) or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements or the need to hold the hearing remotely will be posted on the MassHealth website at [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

November 27, 2020